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RM 9205

November 22, 1996

William Caton, Acting Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

Re: KUJ (FM), Walla Walla WA
Petition for Rule Making

Attn: John A. Karousos
Chief, Allocations Branch

Dear Mr. Karousos:

Enclosed for filing is an original plus four copies of a Petition for Rule Making on behalf of the referenced permittee.

Please date-stamp and return the attached "File Copy" of this transmittal letter.

Sincerely,

Robert Thompson
Robert Lewis Thompson

cc: Thomas D. Hodgins (Local Public File)

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20054

In the Matter of)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Walla Walla, WA and Hermiston, OR))

RM-4205

To: John A. Karousos, Chief
Allocations Branch

PETITION FOR RULE MAKING

Mark Jacky Broadcasting ("MJB"), the permittee of KUJ (FM), Walla Walla, WA, hereby petitions for the institution of a Rule Making proceeding that ultimately would result in the substitution of channel 256C2 for channel 256A at Walla Walla, WA. ^{1/} To accommodate this upgrade at Walla Walla, channel 258A should be substituted for channel 257A at Hermiston, OR, and the FCC should require that the license of station KQFM (FM) at Hermiston should be modified to specify operation on channel 258A.

Attached hereto is a "Declaration" by consulting engineer Thomas J. Johnson, which contains a channel study confirming that channel 256C2 can be substituted at Walla Walla provided that channel 258A is substituted for channel 257A at Hermiston, OR.

Moreover, the proposed substitutions at Walla Walla, WA, and Hermiston, OR would result in a preferential arrangement of allotments under the FCC's policies because it would permit both

^{1/} On October 30, 1996, the permittee filed a One-Step Upgrade application (Form 301) to upgrade its Walla Walla FM station from channel 256A to channel 256C3 at Walla Walla.

the Petitioner and the licensee of station KQFM at Hermiston, OR, to upgrade their respective facilities. ^{2/}

It is therefore proposed that the FM Table of Allotments, Section 73.202(b) of the FCC's rules, be amended to substitute (a) channel 256C2 at Walla Walla WA for channel 256A ^{3/} and (b) channel 258A for channel 257A at Hermiston, OR.

Should this Petition be granted and channel 256C2 be substituted for channel 256A at Walla Walla, WA, Petitioner will apply for channel 256C2 and, after it is authorized, will construct the station promptly.

Respectfully submitted,



Robert Lewis Thompson
TAYLOR THIEMANN & AITKEN, L.C.
908 King Street, Suite 300
Alexandria, VA 22314
(703) 836-9400

Counsel for MJB

November 22, 1996


^{2/} The substitution of channel 258A for channel 257A at Hermiston would allow station KQFM to increase power to a full 6,000 watts. See Declaration, attached hereto.

^{3/} See note 1, supra.

CERTIFICATE OF SERVICE

I, Robert L. Thompson, do certify that on this 22nd day of November, 1996, I served copies of the foregoing "Petition for Rule Making" to the person listed below by first class mail:

Station KQFM
Box 145
Hermiston, OR 97838


Robert L. Thompson

November 22, 1996

DECLARATION

**IN SUPPORT OF A
PETITION FOR RULE MAKING**

**PREPARED FOR
MARK JACKY BROADCASTING
STATION KUJ-FM, WALLA WALLA, WASHINGTON**

November 14, 1996

DECLARATION

ENGINEERING STATEMENT

Thomas J. Johnson says that he is an engineer and Vice President of Lechman & Johnson, Inc., Telecommunications Consultants, with offices located at 16201 Trade Zone Avenue, Suite 106, Upper Marlboro, Maryland 20774 and that his qualifications are a matter of record with the Federal Communications Commission.

That the firm of Lechman & Johnson, Inc. has been retained by Mark Jacky Broadcasting, licensee of KUJ-FM, Walla Walla, Washington to prepare this Engineering Statement in support of a Petition For Rule Making to amend the Table of FM Assignments, Section 73.202(b), to allocate Channel 256C2 to Walla Walla, Washington in lieu of Channel 256A and to allocate Channel 258A to Hermiston, Oregon in lieu of Channel 257A. It is proposed to amend the Table of FM Assignments as follows:

<u>Community</u>	<u>Present Allocation</u>	<u>Proposed Allocation</u>
Walla Walla, Washington	256A <u>1</u> /	256C2
Hermiston, Oregon	257A	258A

A channel study was made to determine whether an upgrade could be made on the KUJ-FM authorized channel which would comply with the Commission's minimum separation requirements of Section 73.207 of the Rules and Regulations. This study showed that Channel 256C2 would meet these separation requirements provided that a substitute channel could be found for co-channel Station KQFM, Hermiston, Oregon. The reference coordinates relied upon are the existing KUJ-FM coordinates as follows:

North Latitude: 45° 59' 38"
West Longitude: 118° 10' 47"

Table I is a list of existing stations, applications, allocations and proposed rule makings of co-channel and adjacent channel assignments pertinent to allocating Channel 256C2 to Walla Walla, Washington. The tabulation of distances shown in this Table were calculated by the methods prescribed in Section 73.208 of the Commission's Rules and Regulations, using the above noted reference point.

Another computer search was conducted to determine whether a replacement channel was available for KQFM, Hermiston, Oregon. The coordinates of the KQFM licensed operation was used for this study. Those coordinates are as follows:

1/ KUJ-FM has pending an application to upgrade to Class C3 status.

LECHMAN & JOHNSON, INC.

DECLARATION
MARK JACKY BROADCASTING
Page Two

North Latitude: 45° 51' 57"
West Longitude: 119° 18' 45"

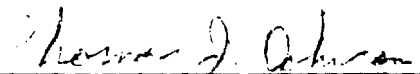
Table II is a list of existing stations, applications, allocations and proposed rule makings of co-channel and adjacent channel assignments pertinent to allocating Channel 258A to Hermiston, Oregon. This assignment will allow KQFM to increase power up to 6 KW.

Figure 1 is a map which shows the KUJ-FM authorized site and 60 dBu contours of the authorized operation and a full Class C2 operation.

Figure 2 is a map which shows the authorized KQFM site and the 60 dBu contours of the authorized KQFM operation and that of a full Class A, 6 KW operation.

The results of these studies show that Channel 256C2 can be assigned to KUJ-FM, Walla Walla, Washington and Channel 258A can be assigned to KQFM, Hermiston, Oregon consistent with the requirements of the Commission's Rules and Regulations.

LECHMAN & JOHNSON, INC.



Thomas J. Johnson
Consulting Engineer
November 14, 1996

LECHMAN & JOHNSON, INC.

TABLE I

SEPARATION STUDY

LECHMAN AND JOHNSON, INC.
16201 TRADE ZONE AVENUE, SUITE 106
UPPER MARLBORO, MARYLAND 20774

KUF-FM, WALLA WALLA, WASHINGTON

Channel 256C2 045-59-38 / 118-10-47 erp : 50.000 kw eah : 150 m

Designation =====	Channel (MHz) =====	Pertinent Allocation or Authorized Station =====	Separation Actual =====	(Km) Required =====
Co-channel	256A (99.1)	Walla Walla, WA WINDOW OPEN 950728, 950828 046- 4-12 / 118-19-48 0.00 kw / 0 m bearing from proposed = 306.17 deg	14.39 SHORT (-151.61 km)	166
Co-channel	256A (99.1)	KUJ-FM, Walla Walla, WA BPH-950829MA 045-59-38 / 118-10-47 0.42 kw / 364 m bearing from proposed = 180.00 deg	0.00 SHORT (-166.00 km)	166
1st Adjacent	255C (98.9)	KKZX, Spokane, WA BPH-950822IB 047-35-35 / 117-17-46 1.25 kw / 449 m bearing from proposed = 20.40 deg	190.14 CLEAR (2.14 km)	188
1st Adjacent	255C (98.9)	KKZX, Spokane, WA BLH-850910KA 047-35-35 / 117-17-46 94.00 kw / 492 m bearing from proposed = 20.40 deg	190.14 CLEAR (2.14 km)	188
1st Adjacent	257A (99.3)	KQFM, Hermiston, OR BLH-870721KA 045-51-57 / 119-18-45 3.00 kw / 91 m bearing from proposed = 261.18 deg	89.01 SHORT (-16.99 km)	106 <u>1</u> /

LECHMAN & JOHNSON, INC.

2nd Adjacent	254C2	KUBQ, La Grande, OR	65.45	58
	(98.7)	BLH-930909KB		
		045-26-26 / 117-53-31	CLEAR (7.45 km)
		2.25 kw / 592 m		
		bearing from proposed = 159.94 deg		

END OF STUDY

1/ It is proposed to re-allocate Channel 258A to Hermiston, Oregon instead of Channel 257A.

TABLE II

SEPARATION STUDY

LECHMAN & JOHNSON, INC.
16201 TRADE ZONE AVENUE, SUITE 106
UPPER MARLBORO, MARYLAND 20774

KQFM, HERMISTON, OREGON

Channel 258A 045-51-57 / 119-18-45 erp : 6.000 kw eah : 100 m

Designation =====	Channel (MHz) =====	Pertinent Allocation or Authorized Station =====	Separation Actual =====	(Km) Required =====
Co-channel	258C1 (99.5)	KZZLFM, Pullman, WA BLH-950810KD 046-40-52 / 116-58-19 77.00 kw / 323 m bearing from proposed = 62.41 deg	201.90 CLEAR (200 1.90 km)
1st Adjacent	257A (99.3)	KQFM, Hermiston, OR BLH-870721KA 045-51-57 / 119-18-45 3.00 kw / 91 m bearing from proposed = 180.00 deg	0.00 SHORT (72 -72.00 km)
1st Adjacent	259C3 (99.7)	KZTAFM, Yakima, WA BLH-960410KA 046-31-53 / 120-26-58 7.60 kw / 178 m bearing from proposed = 310.63 deg	114.78 CLEAR (89 25.78 km)

END OF STUDY

LECHMAN & JOHNSON, INC.

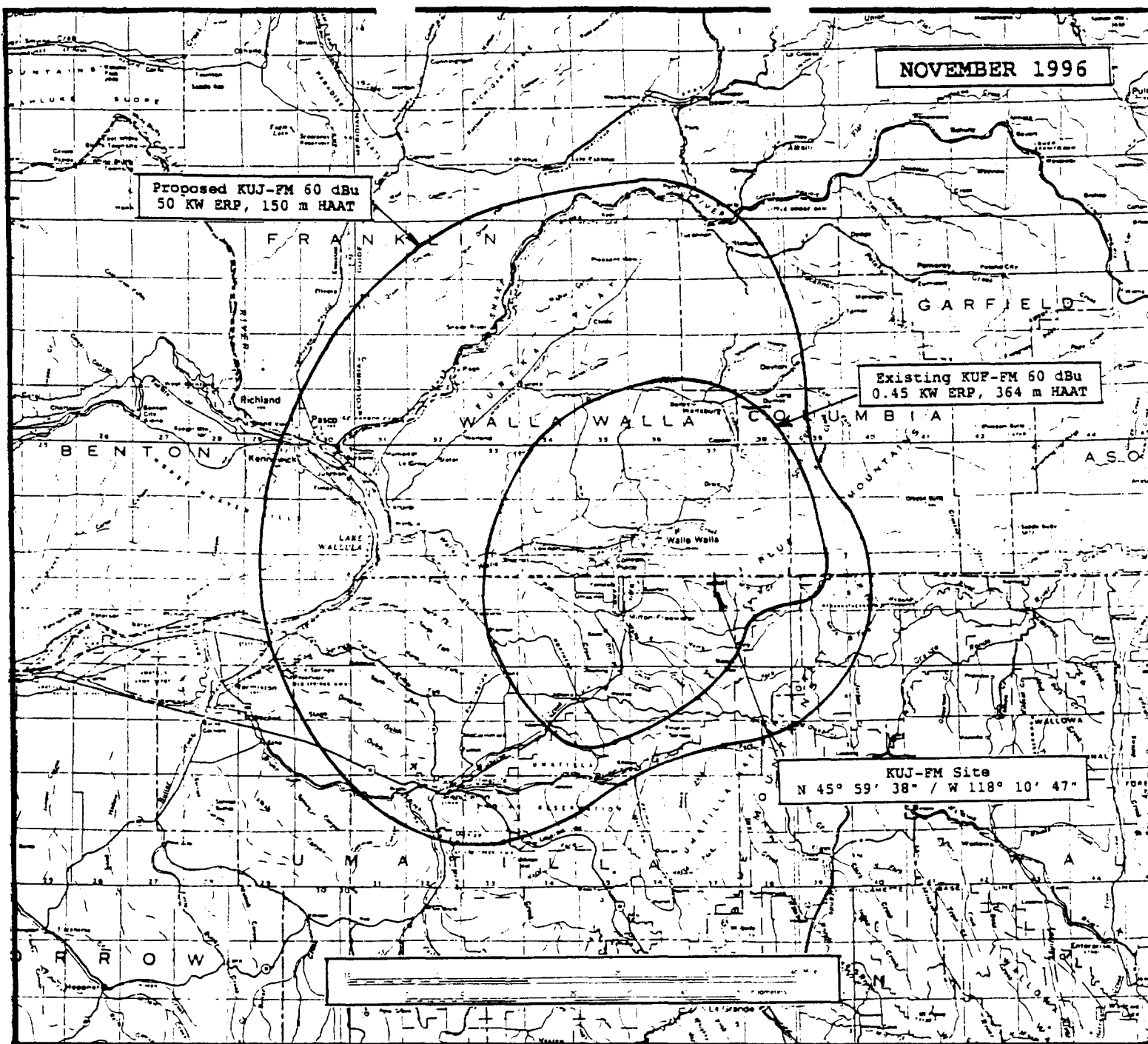


FIGURE 1

PREPARED FOR
MARK JACKY BROADCASTING
STATION KIJ-FM, WALLA WALLA, WASHINGTON

LECHMAN & JOHNSON, INC.
TELECOMMUNICATIONS CONSULTANTS
16201 TRADE ZONE AVENUE, SUITE 106
UPPER MARLBORO, MARYLAND 20772
(301) 390-0900

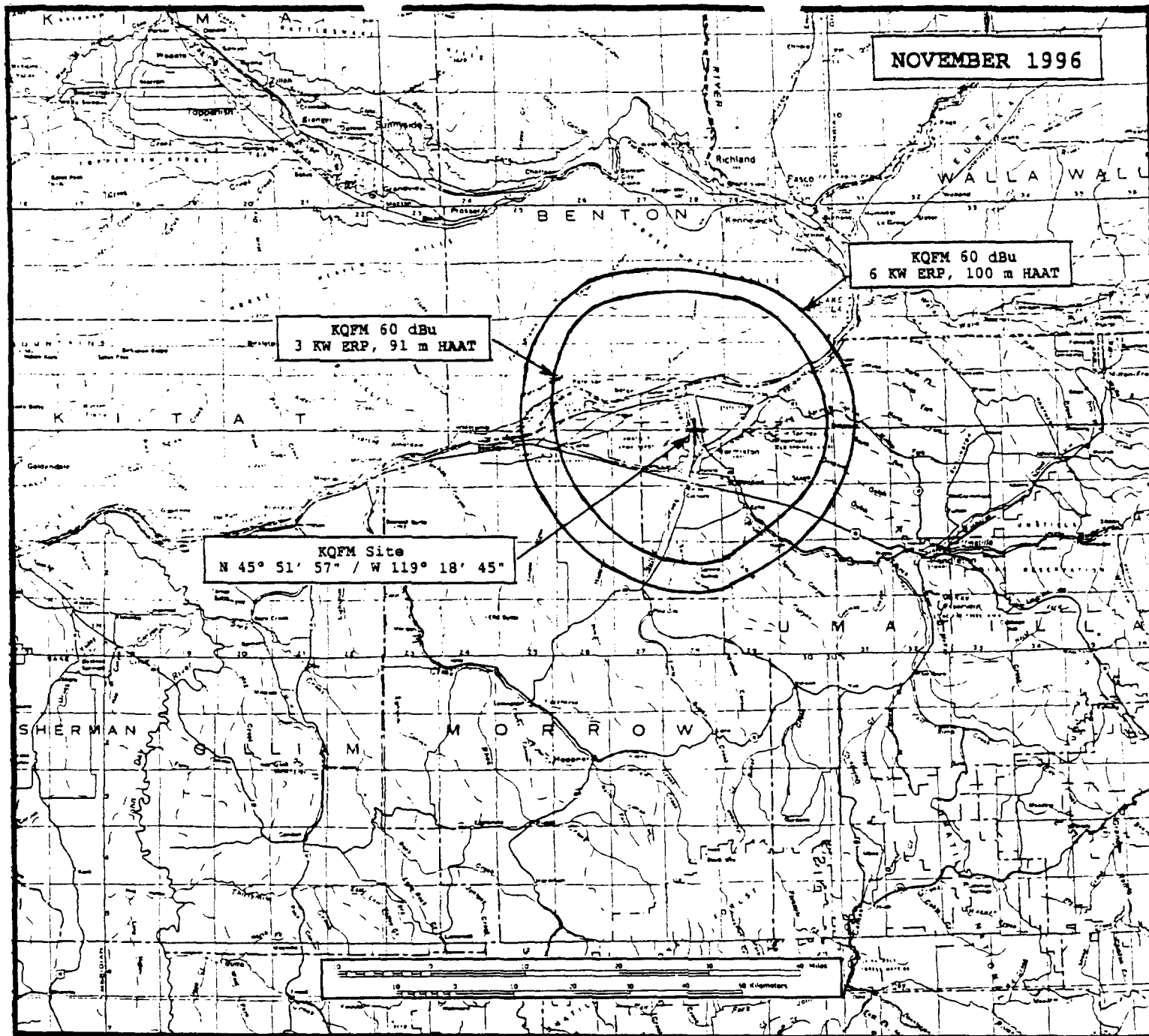


FIGURE 2

PREPARED FOR
MARK JACKY BROADCASTING
STATION KUJ-FM, WALLA WALLA, WASHINGTON

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